

## **REMARKS**

### ***Summary of the Amendment***

Upon entry of the amendment, Claims 1-30, 33 and 42-43 will have been canceled. Therefore, Claims and 31-32, 34-41 and 44-47 currently remain pending.

### **Summary of the Office Action**

In the Office Action, Claims 13-16, 23, 27-28 were rejected under 35 U.S.C. § 102(b) over art of record. Specifically, Claims 13-16, 23, 27-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stern et al. (U.S. Patent No. 6,069,565), hereinafter STERN. Claims 13-16, 23, 27-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Satoh et al. (U.S. Patent Application No. US 2003/0026110 A1, hereinafter SATOH). Further, Claims 1-12, 17-22, 24-26 and 29-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SATOH in view of Binder (U.S. Patent No. 6,032,071, hereinafter BINDER), and Alfano et al. (U.S. Patent No. 6,587,711, hereinafter ALFANO). By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

### ***Claims 1-30, 33 and 42-43***

Applicant has canceled Claims 1-30, 33 and 42-43 in order to facilitate issuance of the present application.

### ***Traversal of Rejection Under 35 U.S.C. § 103(a)***

Applicant traverses the rejection of Claims 1-12 and 31-41 under 35 U.S.C. § 103(a) as being unpatentable over SATOH in view of BINDER and ALFANO.

#### ***A. In re independent Claim 31***

Claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over SATOH. The Office Action indicated that although SATOH “does not explicitly teach that the light sources including a plurality of diodes and polarizers are positioned about the circumference

of the optical lens, such a feature is known in the art as taught by BINDER.” The Office Action then indicated that BINDER “teaches that the light sources can be formed in a ring around the lens section,” and that “[i]t would have been obvious to one having ordinary skill in the art . . . to arrange the light sources and polarizers of Satoh in the form of a ring as taught by Binder because such arrangement would provide a better image received by the viewer or the video camera.” However, Applicant respectfully asserts that SATOH in combination with BINDER/ALFANO does not teach the limitations of Claim 31.

1. *SATOH in combination with BINDER and ALFANO does not apparently teach or suggest a “Planar Annular Ring Filter”*

Applicant respectfully asserts that SATOH in combination with BINDER and ALFANO does not teach the “planar annular ring filter” of Applicant’s Claim 31. Claim 31 recites, *inter alia*, the use of “a first polarizer comprising a planar annular ring filter” and “a second polarizer comprising a planar annular ring filter.”

On the other hand, a review of SATOH reveals that the aforementioned features are not taught or even suggested. As indicated in the Office Action, SATOH discloses first and second light sources and first and second polarizers positioned between the respective ones of the first and second light sources and an object. The first and second polarizers, as shown in Figure 1 of SATOH, appear to be a plurality of individual, filters that cover the light emitting portions of the first and second light sources.

As understood, SATOH does not suggest, teach, or disclose the use of first and second “planar ring filters,” but instead discloses only the use of a plurality of these first and second polarizers. Indeed, SATOH also fails to discuss alternative methods or apparatuses for the polarizers. Nor does BINDER or ALFANO suggest or teach that the polarizers of SATOH should or could be made into a “planar annular ring” as disclosed in Claim 31. Therefore, as understood, the combined teaching of SATOH, BINDER and ALFANO do not disclose the use of a “planar annular ring filter,” nor do the combined teachings suggest the use of two planar annular ring filters used in combination with each other.

Therefore, because SATOH in combination with BINDER and ALFANO does not suggest, disclose, or teach the “planar annular ring filter” limitation of the Applicant’s Claim 31, Applicant respectfully requests that Claim 31 be allowed.

2. *SATOH in combination with BINDER and ALFANO does not apparently teach or suggest a “Plurality of Openings”*

Applicant also respectfully asserts that SATOH in combination with BINDER and ALFANO does not teach the “plurality of openings” limitation of Applicant’s Claim 31. Claim 31 recites, *inter alia*, that the first and second polarizers include “a plurality of openings.”

SATOH teaches a vastly different configuration for the polarizers than is present in Applicant’s Claim 31. As discussed above, SATOH appears to teach first and second polarizers configured as a plurality of individual, filters that cover the light emitting portions of the first and second light sources. SATOH apparently teaches that light may pass through the light emission portion 11A or 11B and be polarized by the respective polarizer PL<sub>1</sub> or PL<sub>2</sub>. In this regard, Applicant respectfully submits that SATOH in combination with BINDER and ALFANO does not teach or suggest that a “plurality of openings” would therefore be required such that, as in Claim 31, the “plurality of openings” of the first and second polarizers correspond to the diodes of the second and first illumination sources.

Therefore, because SATOH in combination with BINDER and ALFANO does not suggest, disclose, or teach the “plurality of openings” limitation of the Applicant’s Claim 31, Applicant respectfully requests that Claim 31 be allowed.

3. *SATOH in combination with BINDER and ALFANO does not apparently teach or suggest the unique configuration of Applicant’s first and second polarizers*

Applicant respectfully asserts that SATOH in combination with BINDER and ALFANO does not teach the unique configuration of Applicant’s Claim 31. Claim 31 recites, *inter alia*, that the first polarizer includes “a plurality of openings sized and positioned to correspond to the diodes of the second illumination source such that the light emitted from the diodes of the second illumination source is passed through the openings

*toward the object and light emitted from the diodes of the first illumination source is polarized by the first polarizer filter.” Claim 31 also recites, inter alia, that the second polarizer includes “a plurality of openings sized and positioned to correspond to the diodes of the first illumination source such that the light emitted from the diodes of the first illumination source is passed through the openings toward the object and light emitted from the diodes of the second illumination source is polarized by the second polarizer filter.”*

SATOH, BINDER and ALFANO do not teach or suggest the unique first and second polarizers of Claim 31. This hypothetical combination of SATOH and BINDER and ALFANO does not teach first and second polarizers comprising planar annular ring filters having a plurality of openings positioned therein that accommodate the light passage of the respective first and second illumination sources such that the respective first and second illumination sources are selectively polarized by the respective ones of the first and second polarizer filters. Specifically, as described above, SATOH in combination with BINDER and ALFANO does not teach a “planar annular ring filter,” nor does it teach “a plurality of openings” that are positioned to correspond to the respective ones of the first and second illumination sources.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of Claim 31 under 35 U.S.C. § 103(a) and indicated that Claim 31 is allowable over art of record.

B. In re dependant Claims 32 and 34-41

Claims 32-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SATOH in view of BINDER and ALFONO.

Applicant respectfully submits that Claims 32 and 34-41 are allowable at least for the reason that they depend from an allowable base claim and because they recite additional features and further define the present invention.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejections of Claims 32 and 34-41 under U.S.C. § 103(a) and indicate that these claims are allowable.

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C. In re new dependant Claims 44-47

In addition to amending the claims as outlined above, the Applicant hereby submits new Claims 44-47 for consideration. New Claims 44-47 are allowable over the art of record for the reasons stated above. No new matter has been added. Applicant respectfully submits that new Claims 44-47 are in condition for allowance.

**CONCLUSION**

Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability and respectfully requests the Examiner to indicate allowance of each and every pending claim of the present invention.

In view of the foregoing, it is submitted that none of the references of record, when considered individually or in any proper combination thereof, anticipate or render obvious the Applicant's invention as recited in each of Claims 31, 32, 34-41 and 44-47.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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